

114295

DATE: August 17, 2026

TO: Honorable Members of the Board of Acquisition and Contract

FROM: Vincent F. Kopicki, P.E.
Commissioner of Environmental Facilities

SUBJECT: Authority for the County of Westchester, acting by and through its Department of Environmental Facilities to apply for and enter into a permit agreement with the City of New York, acting by and through its Department of Environmental Protection, for the purpose of undertaking investigatory work related to a new water connection at Shaft 23.

Authority is requested for the County of Westchester ("County"), acting by and through its Department of Environmental Facilities ("DEF"), to apply for and enter into a permit agreement ("Permit") with the City of New York ("City"), acting by and through its Department of Environmental Protection ("NYCDEP") so that the County may access Delaware Aqueduct water supply lands located in Yonkers owned by the City and operated by NYCDEP in order to undertake investigatory work related to a new water connection at Shaft 23.

The proposed Permit will be for a term of one year from issuance. The Permit fee will be Four Hundred Seventy-Five Dollars and Twenty-seven Cents (\$475.27).

In consideration for the Permit, the County will agree to the following clause:

"Indemnification: To the fullest extent permitted by law, the Permittee shall defend, indemnify and hold the City and the New York City Water Board, and their respective officials and employees harmless against any and all claims (including but not limited to claims asserted by any employee of the Permittee or its contractors or subcontractors) and costs and expenses of whatever kind (including but not limited to payment or reimbursement of attorneys' fees and disbursements) allegedly arising out of or in any way related to the Permittee's use of the City land under the Permit. This obligation shall survive the expiration or revocation of the Permit."

The proposed Permit will serve a public purpose by enabling DEF to undertake critical infrastructure work and provide a redundant drinking water supply for County residents within County Water District 1.

The goal and objective of the proposed Permit is to perform investigatory work related to a new water connection at Shaft 23.

The goals and objectives of the proposed Permit will be tracked and monitored by DEF.

The proposed Permit is exempt from the Westchester County Procurement Policy pursuant to Section 3(a)(iii).

Accordingly, I most respectfully recommend the adoption of the annexed Resolution.

Attachment

VFK/mg

RESOLUTION

Upon a communication from the Commissioner of the Department of Environmental Facilities, be it hereby

RESOLVED, that the County of Westchester (“County”), acting by and through its Department of Environmental Facilities (“DEF”), be and hereby is authorized to apply for and enter into a permit agreement (“Permit”) with the City of New York (“City”), acting by and through its Department of Environmental Protection (“NYCDEP”) so that the County may access Delaware Aqueduct water supply lands located in Yonkers owned by the City and operated by NYCDEP in order to undertake investigatory work related to a new water connection at Shaft 23; and be it further

RESOLVED, that the Permit term shall run for a period of one year beginning upon the date of issuance; and be it further

RESOLVED, that in consideration for the Permit, the County shall pay the City a permit fee of Four Hundred Seventy-Five Dollars and Twenty-Seven Cents (\$475.27); and be it further

RESOLVED, that in consideration for the Permit, the County is authorized to agree to the following clause:

“Indemnification: To the fullest extent permitted by law, the Permittee shall defend, indemnify and hold the City and the New York City Water Board, and their respective officials and employees harmless against any and all claims (including but not limited to claims asserted by any employee of the Permittee or its contractors or subcontractors) and costs and expenses of whatever kind (including but not limited to payment or reimbursement of attorneys’ fees and disbursements) allegedly arising out of or in any way related to the Permittee’s use of the City land under the Permit. This obligation shall survive the expiration or revocation of the Permit.”

; and be it further

RESOLVED, that this Permit is subject to County appropriations; and be it further

RESOLVED, that this Permit is also subject to further financial analysis of the impact of any New York State Budget (the “State Budget”) proposed and adopted during the term of this Permit. The County shall retain the right, upon the occurrence of any release by the Governor of a proposed State Budget and/or the adoption of a State Budget or any amendments thereto, and for a reasonable period of time after such release(s) or adoption(s), to conduct an analysis of the impacts of any such State Budget on County finances. After such analysis, the County shall retain the right to either terminate this Permit or to renegotiate the amounts and rates approved herein. If the County subsequently offers to pay a reduced amount to the City, then the City shall have the right to terminate this Permit upon reasonable prior written notice; and be it further

RESOLVED, that the County Executive or his duly authorized designee is hereby authorized to execute any documents and take any actions reasonably necessary and appropriate to effectuate the purposes of this Resolution.

Account to be
Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub- Object	Trust Account	Dollars
241	60	5110	5115		475.27

Budget Funding Year(s): 2026 Start Date: up on permit issuance End Date: one year from the issuance date.
(must match resolution)

Funding Source	Tax Dollars:	475.27
	State Aid:	_____
\$475.27	Federal Aid:	_____
(must match resolution)	Other:	_____